# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v. **Civ. No.** 20-454

\$9,950.00 IN UNITED STATES CURRENCY,

\$2,000.00 IN UNITED STATES CURRENCY,

\$1,243.00 IN UNITED STATES CURRENCY,

Defendants-in-rem.

#### VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, brings this complaint in accordance with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

#### NATURE OF THE ACTION

1. This is a civil action to forfeit and condemn to the use and benefit of the United States of America property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

#### **DEFENDANT** *IN REM*

- 2. The defendant *in rem* consists of the following:
  - a. Nine thousand nine hundred fifty (\$9,950.00) in U.S. Currency,
  - b. Two thousand (\$2,000.00) in U.S. Currency,
  - c. One thousand two hundred forty-three (\$1,243.00) in U.S. Currency, (hereafter referred to as "Defendant Currency").
- 3. The Defendant \$9,950 and \$2,000 were seized by the Drug Enforcement Administration on August 15, 2019, in the District of New Mexico. The Defendants \$1,243 was

seized by the Drug Enforcement Administration on August 12, 2019, in the District of New Mexico.

4. The Defendant Currency is now, and during the pendency of this action will be, in the jurisdiction of this Court.

### **JURISDICTION AND VENUE**

- 5. The United States District Court for the District of New Mexico has subject matter jurisdiction under 28 U.S.C. §§ 1345, 1355(a) and 1356.
- 6. Venue for this civil forfeiture action is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395, as acts or omissions giving rise to the forfeiture took place in this district and the property is found in this district. Upon the filing of this complaint, the Defendant Currency will be arrested by execution of a Warrant for Arrest *In Rem* in the District of New Mexico.

#### **FACTS**

- 7. On August 15, 2019, law enforcement agents with the Drug Enforcement Administration (DEA) Region I Task Force executed a Federal Search and Seizure Warrant at the Best Western Plus Montezuma Inn & Suites, Room 310A, located at 2020 North Grand Ave, Las Vegas, New Mexico.
- 8. Room 310-A was registered in the name of Sharlett M. Martinez. During the search, DEA agents discovered \$9,950 in U.S. currency in Ms. Martinez's purse.
- 9. Ms. Martinez stated that Robert Corbin Padilla had given her the money. Mr. Padilla had been indicted on drug trafficking charges.
- 10. DEA TFO Jason D. Franklin deployed a canine trained and certified to detect the odor of illegal controlled substances. The canine alerted positively to the \$9,950 in currency.

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- 11. On August 12, 2019, DEA Group 3 Task Force, with the assistance of the Albuquerque Police Department, executed a Federal Search and Seizure Warrant at 8407 San Juan Road NE, Albuquerque, New Mexico, the residence of Robert Corbin Padilla, to facilitate the removal of a black 2008 GMC Yukon from the public roadway in front of the residence and transported it to the Albuquerque Office of the DEA for further inspection. A review of the New Mexico Vehicle Registration revealed that Robert Corbin Padilla was the registered owner. Agents discovered a large bundle of U.S. Currency in the center console. The currency totaled \$1,243.00. The Black 2008 GMC Yukon XL was used by Robert Corbin Padilla on March 30, 2019, and again on April 10, 2019, to facilitate the distribution of multiple controlled substances.
- 12. On August 15, 2019, during the execution of federal search and seizure warrants at 8407 San Juan Road NE; Albuquerque, NM and at 8411 San Juan Road NE; Albuquerque, NM, a white 2008 Nissan Armada was parked at 8407 San Juan Road NE. During a search of the 2008 Nissan Armada, agents discovered a large bundle of U.S. currency inside the center console. The currency totaled \$2,000. A review of the New Mexico Motor Division records revealed three registered owners of the 2008 White Nissan Armada. Robert Corbin Padilla was not one of the three owners.
- 13. DEA TFO Jason D. Franklin deployed a canine trained and certified to detect the odor of illegal controlled substances. The canine alerted positively to the \$2,000 in currency.

#### FIRST CLAIM FOR RELIEF

- 14. The United States incorporates by reference the allegations in paragraphs 1 through as though fully set forth.
- 15. Title 21, United States Code, Section 881(a)(6) subjects to forfeiture "[a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished

by any person in exchange for a controlled substance or listed chemical in violation of this

subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments,

and securities used or intended to be used to facilitate any violation of this subchapter."

16. Defendant Currency was furnished, or intended to be furnished, in exchange for a

controlled substance, or constitutes proceeds traceable to such an exchange, or was used or

intended to be used to facilitate a violation of the Controlled Substances Act and is thus subject to

forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE: Plaintiff seeks arrest of Defendant Currency and forfeiture of same to

Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown

Claimants to the Defendant Currency, costs and expenses of seizure and of this proceeding, and

other proper relief.

Respectfully submitted,

JOHN C. ANDERSON

United States Attorney

STEPHEN R. KÖTZ

Assistant U.S. Attorney

P.O. Box 607

Albuquerque, NM 87103

(505) 346-7274

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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Drug Enforcement Administration who has read the contents

of the Complaint for Forfeiture In Rem to which this Declaration is attached; and the statements

contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this

Declaration is true and correct, except as to matters stated on information and belief, and as to

those matters I believe them to be true.

Dated: May 12, 2020

Thomas D. Long
Thomas D. Long, Special Agent

Drug Enforcement Administration

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## JS 44 (Rev. 12/12) Case 1:20-cv-00454 Doc@hviil1@ONER@SHE/ET Page 1 of 1

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

| required for the use of  | of the Clerk of Court for the  | purpose of initiating the c             | ivil docket sheet. (SEE INSTRUC   | CTIONS ON NEXT PAGE OF THIS   | FORM.)   |
|--|--|---|---|---|--|
| I. (a) PLAINTIFFS  |  |   | DEFENDANTS  |   |  |
| United States of America   |  |   | \$9,950.00 in United States Currency, et.al.,   |   |  |
| (b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) |  |   | County of Residence of First Listed Defendant   |   |  |
|  |  |   | (IN U.S. PLAINTIFF CASES ONLY)  NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF |   |  |
|  |  |   |   | ACT OF LAND INVOLVED.   |  |
| (c) Attorneys (Firm Name, A  | ddress, and Telephone Number   | )                                       | Attorneys (If Known   | n)  |  |
| II. BASIS OF JURISD  | ICTION (Place an "X" in C  | ne Box Only)                            |   |   | S (Place an "X" in One Box for Plain                     |
| 1 U.S. Government  | ☐ 3 Federal Question   |   | (For Diversity Cases Onl  | PTF DEF   | and One Box for Defendant) PTF DEF                       |
| Plaintiff  | (U.S. Government Not a Party)  |   | Citizen of This State   | $\square$ 1   |  |
| □ 2 U.S. Government □ 4 Diversity Defendant □ (Indicate Citizenship of Partie      |  | of Parties in Item III)                 | Citizen of Another State  | ☐ 2 ☐ 2 Incorporated and F  | Principal Place  |
|  |  |   | Citizen or Subject of a<br>Foreign Country  | □ 3 □ 3 Foreign Nation  | □ 6 □ 6  |
| CONTRACT   | I TO   | DTG.                                    | EQDERITINE/DEN AT TW  | DANIZDIDECIZ  | OTHER STATUTES   |
| CONTRACT  110 Insurance  | PERSONAL INJURY  | PERSONAL INJURY                         | FORFEITURE/PENALTY  625 Drug Related Seizure  | BANKRUPTCY  422 Appeal 28 USC 158   | OTHER STATUTES  ☐ 375 False Claims Act                   |
| ☐ 120 Marine   | ☐ 310 Airplane   | ☐ 365 Personal Injury -                 | of Property 21 USC 881  | ☐ 423 Withdrawal  | ☐ 400 State Reapportionment                              |
| ☐ 130 Miller Act ☐ 140 Negotiable Instrument                                       | ☐ 315 Airplane Product Liability   | Product Liability  367 Health Care/     | 690 Other   | 28 USC 157  | ☐ 410 Antitrust<br>☐ 430 Banks and Banking               |
| ☐ 150 Recovery of Overpayment  | ☐ 320 Assault, Libel &   | Pharmaceutical                          | 070 other   |   | ☐ 450 Commerce   |
| & Enforcement of Judgment  151 Medicare Act  | Slander  ☐ 330 Federal Employers'  | Personal Injury Product Liability       |   | PROPERTY RIGHTS  ☐ 820 Copyrights   | ☐ 460 Deportation  |
| ☐ 151 Medicare Act   | Liability  | ☐ 368 Asbestos Personal                 |   | □ 830 Patent  | ☐ 470 Racketeer Influenced and<br>Corrupt Organizations  |
| Student Loans  | ☐ 340 Marine   | Injury Product                          |   | ☐ 840 Trademark   | ☐ 480 Consumer Credit                                    |
| (Excludes Veterans)  ☐ 153 Recovery of Overpayment                                 | ☐ 345 Marine Product Liability   | Liability PERSONAL PROPERTY             | LABOR   | SOCIAL SECURITY   | ☐ 490 Cable/Sat TV                                       |
| of Veteran's Benefits  | ☐ 350 Motor Vehicle  | □ 370 Other Fraud                       | ☐ 710 Fair Labor Standards Act  | ☐ 861 HIA (1395ff)  | ☐ 850 Securities/Commodities/<br>Exchange                |
| ☐ 160 Stockholders' Suits  | ☐ 355 Motor Vehicle  | ☐ 371 Truth in Lending                  | ☐ 720 Labor/Management  | <ul><li>□ 862 Black Lung (923)</li><li>□ 863 DIWC/DIWW (405(g))</li></ul> | ☐ 890 Other Statutory Actions                            |
| <ul><li>☐ 190 Other Contract</li><li>☐ 195 Contract Product Liability</li></ul>    | Product Liability  ☐ 360 Other Personal  | ☐ 380 Other Personal Property Damage    | Relations   | □ 864 SSID Title XVI  | ☐ 891 Agricultural Acts                                  |
| ☐ 196 Franchise  | Injury   | ☐ 385 Property Damage                   | ☐ 740 Railway Labor Act   | □ 865 RSI (405(g))  | ☐ 893 Environmental Matters ☐ 895 Freedom of Information |
|  | ☐ 362 Personal Injury –  | Product Liability                       | ☐ 751 Family and Medical<br>Leave Act   |   | Act  |
| REAL PROPERTY  | Medical Malpractice CIVIL RIGHTS   | PRISONER PETITIONS                      | ☐ 790 Other Labor Litigation  | FEDERAL TAX SUITS   | ☐ 896 Arbitration ☐ 899 Administrative Procedure         |
| ☐ 210 Land Condemnation  | ☐ 440 Other Civil Rights   | Habeas Corpus:                          | 791 Employee Retirement   | □ 870 Taxes (U.S.   | Act/Review or Appeal of                                  |
| ☐ 220 Foreclosure  | ☐ 441 Voting   | ☐ 463 Alien Detainee                    | Income Security Act   | Plaintiff or  | Agency Decision  |
| ☐ 230 Rent Lease & Ejectment   | 442 Employment   | ☐ 510 Motions to Vacate<br>Sentence     |   | Defendant)  ☐ 871 IRS—Third Party   | ☐ 950 Constitutionality of<br>State Statutes             |
| <ul><li>□ 240 Torts to Land</li><li>□ 245 Tort Product Liability</li></ul>         | ☐ 443 Housing/<br>Accommodations   | ☐ 530 General                           | HARON ATTON   | 26 USC 7609   |  |
| ☐ 290 All Other Real Property  | 445 Amer. w/Disabilities -   | ☐ 535 Death Penalty                     | IMMIGRATION  ☐ 462 Naturalization Application   | n   |  |
|  | Employment  ☐ 446 Amer. w/Disabilities -   | Other:  540 Mandamus & Other            | ☐ 465 Other Immigration   |   |  |
|  | Other  | ☐ 550 Civil Rights                      | Actions   |   |  |
|  | ☐ 448 Education  | ☐ 555 Prison Condition                  |   |   |  |
|  |  | ☐ 560 Civil Detainee -<br>Conditions of |   |   |  |
| IV. NATURE   | OF SUIT (Place an "X"  | in One Box Only)                        | •   |   |  |
| · ·  | Place an "X" in One Box Only)  |   |   |   |  |
|  | te Court   | Appellate Court                         | · (specify  | er District Litigation  |  |
|  | •  | tute under which you are f              | iling (Do not cite jurisdictional stat  | tutes unless diversity):  | _  |
| VI. CAUSE OF ACTIO   | ON 21 U.S.C. § 881(a)(6)<br>Brief description of ca  | ilse.                                   |   |   |  |
|  | The state of the s | HSC:                                    |   |   |  |
| VII. REQUESTED IN  | ☐ CHECK IF THIS  | IS A CLASS ACTION                       | DEMAND \$   | CHECK YES only  | if demanded in complaint:                                |
| COMPLAINT:   | UNDER RULE 23  | 3, F.R.Cv.P.                            |   | JURY DEMAND:  | □ Yes □ No   |
| VIII. RELATED CASE<br>IF ANY   | E(S) (See instructions):  JUDGE  |   | DOCKET NUMBER   |   |  |
| DATE   |  | SIGNATURE OF AT                         | TORNEY OF RECORD  |   |  |
| 5/12/2020  |  | to ak                                   |   |   |  |

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